

ENTERED

February 27, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KENNETH CESAR LUNA,

Plaintiff.

VS.

HOUSTON METHODIST HOSPITAL,

Defendant.

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CIVIL ACTION NO. 4:24-CV-3221

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

On December 4, 2024, Defendant's motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) (Dkt. 12) was referred to United States Magistrate Judge Dena Palermo under 28 U.S.C. § 636(b)(1)(B). (Dkt. 21). Judge Palermo filed a Report and Recommendation on January 27, 2025, recommending that Defendant's motion to dismiss be **GRANTED**. (Dkt. 26).

No objections have been filed to the Report and Recommendation. Accordingly, the Court reviews the Report and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Palermo's Report and Recommendation (Dkt. 26) is **APPROVED and ADOPTED** in its entirety as the holding of the Court; and

- (2) Defendant's motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) (Dkt. 12) is **GRANTED**, and this case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

It is so **ORDERED**.

SIGNED and ENTERED this 27th day of February 2025.

A handwritten signature in black ink, reading "George C. Hanks, Jr.", is written over a horizontal line.

GEORGE C. HANKS, JR.

UNITED STATES DISTRICT JUDGE